

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CITY OF TACOMA, a municipal
corporation,

Plaintiff,

vs.

CLEAR CHANNEL OUTDOOR, INC., a
Delaware corporation,

Defendant.

NO. 3:11-cv-05747-BHS

DECLARATION OF SHELLEY
M. KERSLAKE IN SUPPORT OF
THE CITY OF TACOMA'S
MOTION FOR CONTINUANCE
OF TRIAL DATE AND PRE-
TRIAL DEADLINES

Pursuant to 28 U.S.C. § 1746, Shelley M. Kerslake declares as follows:

1. I am over the age of eighteen years, competent to testify herein, and make this declaration on personal knowledge of the facts stated in support of the City of Tacoma's Motion for Continuance of the Trial and Pre-trial dates.

2. I am an attorney at Kenyon Disend, PLLC, counsel for Plaintiff City of Tacoma.

3. I began representing the City of Tacoma in litigation with Clear Channel Outdoor, Inc. ("Clear Channel") in 2007. Although other members of my firm have periodically assisted with this case, I am the primary attorney and the only one with the

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**KENYON
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1 background and knowledge surrounding the issues presented in this litigation. Moreover,
2 I am the primary contact with my client regarding this matter.

3 4. I was diagnosed with stage IV cancer in February of this year and have been
4 undergoing treatment since that time. Although I was initially able to maintain my active
5 practice, the course of treatment is requiring me to now take intermittent leaves of
6 absence. The demands of active litigation are not amenable to a part-time and often
7 unpredictable schedule. I anticipate my treatment to be completed by February or March
8 of 2013, at which time I will fully resume my practice.

9 5. Given the extensive history of this case, it would be cost prohibitive for the
10 City to retain new council to handle this matter, when only a minor continuance is
11 requested. Also, given the current case schedule, new counsel would also need to request
12 a continuance in order to familiarize themselves with the case and get up to speed.

13 6. The parties are continuing to discuss resolution of this matter and those
14 discussions can still occur during the continuance period, hopefully eliminating the need
15 for a trial.
16

17 7. There is no prejudice to Clear Channel if a six month continuance is granted.
18 The City has not enforced the amortization provision of the City's code that is at issue in
19 this case and the status quo regarding the removal of non-conforming billboards within
20 the City remains.

21 8. Given my medical situation, I do not believe that City of Tacoma can
22 adequately prepare its case and meet the current discovery, expert disclosure and pre-trial
23 deadlines.
24

1 9. I declare under penalty of perjury that the foregoing is true and correct.

2 Dated this 20th day of July, 2012 at Tacoma, Washington.

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4 By s/ Shelley M. Kerslake
5 Shelley M. Kerslake
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